



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,870	11/20/2000	Eric Engstrom	112076-138351	2255

25943 7590 05/17/2005

SCHWABE, WILLIAMSON & WYATT, P.C.  
PACWEST CENTER, SUITES 1600-1900  
1211 SW FIFTH AVENUE  
PORTLAND, OR 97204

EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/718,870

Applicant(s)

ENGSTROM ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to the Amendment filed 01/06/05
2. Claims 1-5, 7-15, and 17-24 are pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless :  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, 11, 13-15 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Horvitz et al (USP 5,880,733).

Regarding claims 1, 11 and 21, Horvitz teaches rendering first execution results of first one or more applications on a front surface (front plane) of a metaphoric desktop having the front surface and a back surface (see the front plane 38 and the back plane 44 in Fig. 3), the front surface being a current visible surface of the metaphoric desktop resulting in the first execution results being visible (Fig. 3 shows that front plane 38 is a current visible face of the desktop), rendering second execution results of second one or more applications on the back surface of the metaphoric desktop (see the back plane 44 in Fig. 3) (also see lines 45-59 of col. 10), morphing the current visible surface of the metaphoric desktop from the front surface to the back surface of the metaphoric desktop to make visible the second execution results (see the transformation caused by the push back button 64; col 3, lines 61-65).

Regarding claims 3, 13 and 22, Horvitz teaches the transition (morphing) from the front surface to the back surface as the front plane is transformed (morphed) to the back plane in response to detection of a predetermined event (event of selecting push back button 64) (see col. 12, lines 31-50, also see figure 13, col. 19, lines 32-61).

Regarding claims 4, 14 and 23, Horvitz further teaches that planes can be rotated 90, 180, 270 or 360 degrees over the vertical axis as illustrated in figure 13.

Regarding claims 5, 15 and 24, Horvitz further teaches that plurality of the planes (plurality of portion of metaphoric desktop) can be rotated 90, 180, 270 or 360 degrees over the vertical axis as illustrated in figure 13.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al (USP 5,880,733) and Boneh et al (hereinafter "Boneh", USP 6760750).

Regarding claims 2 and 12, Horvitz differs from the claim in that Horvitz neither teaches that second application is on-line application nor teaches monitoring the apparatus for being connected on-line. However, such feature is known in the art as taught by Boneh. Boneh teaches a system for updating a web page with rapidly

Art Unit: 2173

changing information (col 3, lines 31-32). Boneh teaches that the system includes an invisible pane and a visible pane wherein the visible pane is updated with the status of the on-line application (col 4, lines 5-16). It would have been obvious to one of ordinary skill in the art, having the teaching of Horvitz and Boneh before him at the time the invention was made to include a web-browser as a windows applications in Horvitz's desktop with the motivation being to enable world wide web access for Horvitz's desktop.

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al (USP 5,880,733) and Taylor et al (hereinafter "Taylor", USP 6552733).

Regarding claims 7 and 17, Horvitz teaches storing pictorial representation of said first execution results of the first one or more applications into a standard display screen buffer by a graphic service (col 11, lines 43-46). Horvitz differs from the claim in that Horvitz does not explicitly specify that the display of the execution result of the second applications comprises redirecting the graphics service to store pictorial representations of the results of the first application to an alternate display buffer and to store pictorial representations of the results of the second application to the current display buffer. However, the feature of multiple position buffers is known in the art as taught by Taylor. Taylor teaches a system for morphing which includes multiple position buffers which are associated with morphing operations (col 9, lines 13-18). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply multiple position buffers taught by Taylor to Horvitz's system to redirect the results of the first application to an alternate display buffer and to store pictorial

Art Unit: 2173

representations of the results of the second application in the current display buffer with the motivation being to enable the system to properly display the result of the second application and not the first application.

8. Claims 8-10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, Taylor, and Boneh.

Regarding claims 8 and 18, Horvitz and Taylor differ from the claim in that Horvitz and Taylor do not teach second application is on-line application nor teaches monitoring the apparatus for being connected on-line. However, such feature is known in the art as taught by Boneh. Boneh teaches a system for updating a web page with rapidly changing information (col 3, lines 31-32). Boneh teaches that the system includes an invisible pane and a visible pane wherein the visible pane is updated with the status of the on-line application (col 4, lines 5-16). It would have been obvious to one of ordinary skill in the art, having the teaching of Horvitz, Taylor, Boneh before him at the time the invention was made to include a web-browser as a windows applications in Horvitz's desktop with the motivation being to enable world wide web access for Horvitz's desktop.

Regarding claims 9-10 and 19-20, when the user select the first application again for display, the system of Horvitz would then resume storing the pictorial representations of the results of the first application in the current or standard display buffer.

***Response to Argument***

9. Applicant's arguments filed 01/06/05 have been fully considered but they are not persuasive.

In response to Applicant's argument that Horvitz fails to anticipate at least the limitations of rendering second execution results on the back surface of a metaphoric desktop, and morphing the current visible surface of the metaphoric desktop from the front surface to the back surface, to make the second execution results visible", it is noted that such is not quite the case. The front surface 38 is a current visible surface resulting in the first execution results being visible as displayed in window 40. When the push back button 64 is selected, window 46 (back surface) is zoomed forward and attach to the front surface 38. Since window 46 is zoomed forward, second execution results 46 are more visible because of higher resolutions. Attaching the back surface to the front surface can be reasonably interpreted as morphing the front surface to the back surface.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2173

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**